

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

JONATHAN JOY,

Plaintiff,

vs.

No. 24-1066-STA-jay

**LARRY F. McKENZIE,
et al.,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
AND ALLOWING FILING OF AMENDED COMPLAINT**

On October 29, 2024, Magistrate Judge Jon A. York filed his report and recommendation that the *pro se* complaint in this matter should be dismissed *sua sponte* for failure to state a claim upon which relief may be granted under Fed. R. Civ. P. 12(b)(6) and for seeking monetary damages against defendants who are immune from such relief. (ECF No. 9.) The Magistrate Judge specifically recommended that the Court find that Defendant Judge Larry F. McKenzie has judicial immunity from Plaintiff's claims and Defendant Tyler Burchyett has prosecutorial immunity. He further recommended that the Court find that the applicable statute of limitations bars Plaintiff's claims brought against Judge McKenzie and that the Child Support Division is a subdivision of the State of Tennessee and has Eleventh Amendment immunity.

If a party objects within the allotted time to a Report and Recommendation, as did Plaintiff (ECF No. 10), the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28

U.S.C. § 636(b) (1); *see also* Fed. R. Civ. P. 72(b). Parties must file specific objections. “[T]he filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object.” *Cole v. Yukins*, 2001 WL 303507 *1 (6th Cir. March 19, 2001) (citing *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)).

In the present case, although Plaintiff objects to the dismissal of Defendants McKenzie, Burchyett, and the 25th Judicial District Child Support Division, he has also submitted notice of a proposed amended complaint (ECF No. 11) in which he has deleted the claims against those defendants and his claim for monetary damages. Instead, he seeks to sue Hardeman County, Tennessee, and requests injunctive relief.

Because the proposed amended complaint cures the defects of the original complaint, the Court will **ADOPT** the report and recommendation of the Magistrate Judge, **DISMISS** the allegations in the original complaint against Defendants McKenzie, Burchyett, and the 25th Judicial District Child Support Division and they will be terminated as defendants, and **DISMISS** Plaintiff’s claims for monetary damages. Plaintiff will have fourteen (14) days from the entry of this order in which to file his amended complaint as attached to his notice in ECF No. 11. Upon the filing of the amended complaint, it will be submitted to the Magistrate Judge for additional screening.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: November 12, 2024